

PLANNING COMMISSION MINUTES

November 29, 2000

CALL TO ORDER: Chairman Dan Maks called the meeting to order at 7:01 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive.

ROLL CALL: Present were Chairman Dan Maks, Planning Commissioners Bob Barnard, Sharon Dunham, Chuck Heckman, Eric Johansen, Brian Lynott and Vlad Voytilla.

Principal Planner Hal Bergsma, Senior Planner Alan Whitworth, Senior Planner Barbara Fryer, AICP, Associate Planner Veronica Smith, Assistant City Attorney Ted Naemura and Recording Secretary Sandra Pearson represented staff.

The meeting was called to order by Chairman Maks, who presented the format for the meeting.

VISITORS:

Chairman Maks asked if there were any visitors in the audience wishing to address the Commission on any non-agenda issue or item. There were none.

OLD BUSINESS:

Chairman Maks opened the Public Hearing and read the format for Public Hearings. There were no disqualifications of the Planning Commission members. No one in the audience challenged the right of any Commissioner to hear any of the agenda items, to participate in the hearing or requested that the hearing be postponed to a later date. He asked if there were any ex parte contact, conflict of interest or disqualifications in any of the hearings on the agenda. There was no response.

CONTINUANCES:

- A. **CPA2000-0011 AND TA2000-0008 - NATURAL, CULTURAL, HISTORIC, SCENIC, OPEN SPACE AND ENERGY RESOURCES ELEMENT OF THE COMPREHENSIVE PLAN, AND PORTIONS OF THE DEVELOPMENT CODE**

(Continued from November 8, 2000)

The proposed amendments would revise natural resources protection policies for 1. Groundwater, to establish guidelines for future development of a City wellhead protection program, and 2. Energy, to include a request to remove the inactive Sexton Mountain and Progress Quarry aggregate sites from the City's natural resource inventory. Other proposed text revisions are minor edits, or non-substantive changes, and reflect the organizational restructuring of the Comprehensive Plan, Chapter 7 Natural, Cultural, Historic, Scenic, Open Space and Energy Resources. To be consistent, sections of the Development Code may require modifications. The proposed amendments respond to State Periodic Review requirements and address Statewide Planning Goal 5 (Open Space, Scenic and Historic Areas, and Natural Resources).

Associate Planner Veronica Smith requested a continuance until December 13, 2000.

Commissioner Barnard **MOVED** and Commissioner Dunham **SECONDED** a motion that CPA 2000-0011/TA 2000-0008 -- Natural, Cultural, Historic, Open Space and Energy Resources Element of the Comprehensive Plan, and Portions of the Development Code be continued to a date certain of December 13, 2000.

Motion **CARRIED**, unanimously.

7:05 p.m. -- Ms. Smith left.

B. CPA 2000-0012 - PUBLIC FACILITIES AND SERVICES ELEMENT OF THE COMPREHENSIVE PLAN AND PUBLIC FACILITIES PLAN

(Continued from November 1, 2000)

The proposed amendment responds to State Periodic Review requirements and addresses Statewide Planning Goal 8 (Recreation Needs) and Goal 11 (Public Facilities and Services). The proposed amendment would add a new Public Facilities and Services Element to the Comprehensive Plan that incorporates the Public Facilities Plan and deletes the current Public Services Element and current Public Facilities Plan. The new Element will deal with Beaverton's Urban Services Area, Storm Water and Drainage, Potable Water, Sanitary Sewer, Schools, Parks and Recreation, Police, Fire Protection and Emergency Medical Services.

Senior Planner Alan Whitworth responded to the comments raised at the November 1, 2000 Public Hearing, requesting direction regarding Commissioner Heckman's comment concerning whether reference to Portland General Electric (PGE) and Bonneville Power Administration's (BPA)'s power transmission right-of-ways should be deleted from the element. He noted that this is located on page V-18, lines 35 through 38, of the previous draft element, or page V-18, lines 30 through 33, of the current draft element. He referred to a Memorandum

1 submitted by Assistant City Attorney Ted Naemura, which is attached to the Staff
2 Report. He observed that this Memorandum, which he wishes to be included in
3 the public record, provides a brief overview of the history behind the Urban
4 Services Boundary between Beaverton and Tigard and between Beaverton and
5 Portland. Concluding, he offered to respond to any questions or comments.

6
7 Commissioner Dunham referred to page V-21, Policy g) Action 1, regarding
8 continuation of the City's participation in the first responder agreement with
9 Washington County, which promotes cooperation, communication and sharing of
10 vital information among various entities. She questioned the possibility of
11 adding language that would provide for the participation of the various NACs.
12 Observing that this might not be relevant to every single NAC, she noted that
13 many of the NACs do have the Police Department provide community services
14 and community policing.

15
16 Mr. Whitworth questioned whether Commissioner Dunham would like this to be
17 included as a second action to Policy.

18
19 Commissioner Dunham agreed that a second action would be appropriate.

20
21 Chairman Maks expressed his opinion that this should be included as Action 4,
22 Policy b).

23
24 Commissioner Dunham suggested that this action be located wherever it is most
25 appropriate.

26
27 Mr. Whitworth indicated that including this action in an appropriate location
28 should present no problem.

29
30 Commissioner Dunham referred to the PGE Bonneville power transmission line,
31 expressing her opinion that the current language is appropriate because it refers to
32 the open space and trail corridors and points out that intensive development in
33 these areas is not anticipated at this time.

34
35 Commissioner Johansen commented that the first paragraph appears to indicate
36 that the Planning Commission is inadvertently taking action that should be
37 included within a different process.

38
39 Assistant City Attorney Ted Naemura explained that this portion of the
40 Comprehensive Plan establishes the legal effect of decisions previous to this
41 action.

42
43 Commissioner Johansen requested clarification of whether this is located on page
44 V-7, specifically what establishes the Urban Services Boundary (USB) within the
45 Comprehensive Plan.

46

1 Mr. Whitworth indicated that the USB is established on the map.

2
3 Mr. Naemura observed that the descriptive text supports the map.

4
5 Commissioner Heckman referred to page V-15, line 37, requesting clarification
6 of how an existing house or structure on an acceptable septic system pays for a
7 connection and where the 100 foot measurement starts to determine who must
8 hook up to the system.

9
10 Mr. Whitworth advised Commissioner Heckman that this basically reflects what
11 is currently in the Building Code.

12
13 Commissioner Heckman referred to page V-18, line 32, expressing his
14 disagreement with Commissioner Dunham. He commented because the rights-
15 of-way for PGE and BPA could never be utilized except by a park system, this
16 particular sentence is not necessary. He referred to page V-19, line 25,
17 requesting clarification of the financial incentives.

18
19 Mr. Whitworth advised Commissioner Heckman that this section basically refers
20 to tax incentives, observing that this is an attempt to assist Tualatin Hills Parks
21 and Recreation District (THPRD) in their efforts to cooperate with developers.
22 He discussed the possibility of THPRD assuming responsibility of protected
23 wetlands, relieving the developer of the responsibility of providing maintenance
24 for these wetlands.

25
26 Commissioner Heckman questioned what financial incentives could be gained,
27 specifically if he were to donate a parcel of land to THPRD.

28
29 Mr. Whitworth advised Commissioner Heckman that this donation would provide
30 him with a tax write-off on property he would no longer be required to maintain,
31 emphasizing that he would also have the use of a new park facility.

32
33 Commissioner Heckman referred to page V-9, lines 18 through 22, requesting
34 whether Unified Sewerage Agency (USA) actually monitors maintenance
35 requirements.

36
37 Observing that he is not certain, Mr. Whitworth informed Commissioner
38 Heckman that he does not believe that USA monitors City maintenance
39 requirements.

40
41 **PUBLIC TESTIMONY:**

42
43 On question, no member of the public testified at this time.

44
45 On question, Mr. Naemura had no further comments at this time.

46

1 The public portion of the Public Hearing was closed.

2

3 Chairman Maks requested consensus on whether or not to eliminate the last
4 sentence on lines 32 and 33, page V-18.

5

6 Commissioner Dunham expressed her opinion that either the last sentence or the
7 words "in the foreseeable future" should be eliminated. She emphasized the
8 necessity of indicating that this would not be an intensive form of land use in this
9 particular area.

10

11 Observing that he does not believe the sentence is necessary, Commissioner
12 Heckman noted that he is comfortable with eliminating the words "in the
13 foreseeable future".

14

15 Chairman Maks commented that the elimination of the words "in the foreseeable
16 future" basically gives the impression of in perpetuity, pointing out that forever is
17 a long time. He expressed his opinion that the sentence should be left as it is or
18 totally eliminated.

19

20 Expressing his concern that eliminating this sentence could prevent future
21 utilization of the land, Commissioner Voytilla expressed his support of Chairman
22 Maks' suggestion to leave the sentence in.

23

24 Commissioner Johansen expressed his preference for eliminating the entire
25 sentence.

26

27 Commissioners Barnard, Lynott and Dunham expressed their support of leaving
28 the sentence in.

29

30 Expressing his opinion that this sentence is redundant, Commissioner Heckman
31 requested a definition of the term "in the foreseeable future".

32

33 Chairman Maks clarified that "in the foreseeable future" would indicate seven to
34 ten years, which would be the next time the Planning Commission goes through
35 Periodic Review and it is necessary to review this document again.

36

37 Chairman Maks requested a consensus of Commissioner Dunham's suggestion
38 regarding page V-21, pertaining to the NACs, specifically the addition of an
39 action item. Following a discussion, Chairman Maks suggested an action item be
40 added, as follows: "Continue the City's Police Department's participation in
41 meeting with and regularly informing Neighborhood Association Committees
42 (NACs)."

43

44 7:25 p.m. – Principal Planner Hal Bergsma arrived.

45

Commissioner Dunham suggested that the Tualatin Valley Fire and Rescue District (TVFRD) could also report to each NAC on their agenda.

Chairman Maks advised Commissioner Dunham that while the Planning Commission can make suggestions to the City of Beaverton Police Department, TVFRD is a separate entity.

Commissioner Barnard expressed his opinion that the appropriate location for the action item suggested by Commissioner Dunham would be under Policy b), as Action 4.

Commissioners Heckman, Dunham, Lynott, Voytilla, Barnard and Johansen and Chairman Maks all expressed their support of the application, including the amendment regarding the action item.

Commissioner Barnard **MOVED** and Commissioner Voytilla **SECONDED** a motion to approve CPA 2000-0012 – Public Facilities and Services Element of the Comprehensive Plan and Public Facilities Plan, based upon the testimony, reports and exhibits presented during the Public Hearings on the matter and upon the background facts, findings and conclusions found in the Staff Reports dated November 1, 2000, and November 29, 2000, based upon this Public Hearing, with the following amendment to Section 5.9 Police:

Policies:

b)

Action 4: Continue the City's Police Department's participation in meeting with and regularly informing Neighborhood Association Committees (NACs).

Motion **CARRIED**, unanimously.

7:30 p. m. -- Mr. Whitworth left.

C. CPA99-00025 - COMPREHENSIVE PLAN LAND USE ELEMENT

(Continued from November 15, 2000)

As originally described, "The proposed amendment will replace the existing Land Use Element. The proposal intends to complete Metro requirements related to land use requirements in local jurisdiction comprehensive plans. Both map and text changes will be included in the proposal." Metro Code Section 3.07.130 requires local governments identify Design Type Boundaries. The proposed amendment modifies the Land Use Element to more specifically identify the Metro Design Types, to specify boundaries and to collate common policies among the design types. Existing language will be modified to the extent that information can be made more clear, concise or consistent with other sections of the same element. In addition, the proposed amendment may:

- 1 • Remove references to the City's housing program and relocate them
- 2 to the Housing/Economy Element;
- 3 • Remove references to the City's Urban Services Area and relocate
- 4 them to the Public Services Element;
- 5 • Amend the Comprehensive Plan map to coincide with Land Use
- 6 Element text changes; and
- 7 • Place text provisions related to specific sub-areas of the City, such as
- 8 the Downtown and the Murray/Scholls Town Center, in separate
- 9 documents as addenda to the Comprehensive Plan.

10
11 Chairman Maks reminded the Planning Commissioners that the purpose of this
12 continuation concerns only three singular issues.

13
14 Senior Planner Barbara Fryer described the proposal, which includes the three
15 issues referenced by Chairman Maks. She discussed the first issue, which relates
16 to the industrial land use designation, specifically in the area around Allen
17 Boulevard and Highway 217. She observed that the property owner owns two
18 lots at the southeasterly corner of the intersection of 5th Street and Western
19 Avenue, one of which is vacant and one of which has a warehouse located on it.
20 She pointed out that the property owner has concerns related to non-conformity
21 related to the proposal for Home Depot to locate on his property if the application
22 is approved. Based on the fact that the majority of the properties in this area are
23 industrial in nature, she observed that very little industrial land is available in the
24 City of Beaverton and recommended retaining this industrial designation. She
25 mentioned an alternative that would designate a block of properties -- those four
26 properties bounded by Western Avenue, Arctic Avenue, 5th Street and the
27 residential area east of Western Avenue -- which are currently zoned Campus
28 Industrial (CI), as Employment Comprehensive Plan map. She pointed out that
29 this would include the two properties that Mr. Kemeny is concerned with, as well
30 as one property currently owned by the City of Beaverton that is being utilized as
31 a storm water detention facility. The final property, the Acme Television Station,
32 is located on the corner of Arctic Avenue and Western Avenue.

33
34 Commissioner Heckman clarified that Ms. Fryer is referencing the properties
35 located north of Arctic Avenue, south of 5th Street and east of Western Avenue,
36 observing that this includes the areas shaded in blue and yellow on the map.

37
38 Ms. Fryer described the four parcels and referenced them on the map.

39
40 Chairman Maks requested a short list of the most intensive uses under the
41 industrial and employment designations.

42

1 Ms. Fryer reminded Chairman Maks that the Employment or Industrial
2 Comprehensive Plan designation would not change the underlying zoning, adding
3 that this property is currently zoned CI. She emphasized that the key in the land
4 use designation involves the feasibility of a cap of 60,000 square foot maximum
5 retail development. She further clarified that either this property would be
6 Industrial over CI with the mandatory 60,000 square foot cap on retail
7 development, or it would be designated Employment over CI, with the option for
8 the City of allowing buildings over the 60,000 square foot cap if certain
9 conditions are met.

10

11 Chairman Maks expressed concern with locating this type of use adjacent to a
12 neighborhood.

13

14 Ms. Fryer explained that Industrial Park (IP), CI and Light Industrial (LI) are
15 allowed in the industrial category, noting that the Planning Commission could
16 approve an amendment to one of those other districts.

17

18 Chairman Maks observed that a property owner could also submit a rezone
19 request, which would have to be approved by both the Planning Commission and
20 the City Council.

21

22 Observing that only CI would be allowed within that area under the Employment
23 designation, Ms. Fryer pointed out that there would be no opportunity to change
24 from CI to any other zone without changing the Comprehensive Plan designation
25 as well.

26

27 Mr. Naemura called attention to the special development standard within the
28 industrial zones, specifically the 75-foot setback for yards abutting residential
29 development.

30

31 Commissioner Heckman referred to first paragraph of page 3 of the Staff
32 Memorandum, specifically what is the status of staff's request that Metro amend
33 the Title 4 Employment and Industrial Areas Map and the 2040 Growth Concept
34 Map to coincide with the City proposal to maintain a cohesive industrial core
35 within the City. He requested clarification of what the City of Beaverton gains or
36 loses if Metro accepts this proposal.

37

38 Ms. Fryer advised Commissioner Heckman that Metro staff has indicated that
39 they are in support of the City's recommendation. Noting that it had been
40 scheduled to be available sometime in November 2000, she pointed out that she
41 has still not seen the Staff Report for this Public Hearing of the City Council
42 scheduled in January 2001. She observed that recent ballot measures might have

1 caused this issue to be temporarily on hold until their effects could be
2 determined.

3
4 Mr. Bergsma clarified that Metro is delaying action on this change to the Title 4
5 maps until at least early next year, adding that nothing would be done for at least
6 a couple of months.

7
8 Ms. Fryer discussed the second issue, regarding the Town Center Sub-Regional
9 (TC-SR) Zoning District, noting that that staff had proposed a corridor
10 designation in that in the area around Murray Boulevard, between Scholls Ferry
11 Road and Osprey Road. Observing that these properties have undergone some
12 development that is inconsistent with a Town Center, she noted that this area is
13 more consistent with a corridor designation, with a mixed use of General
14 Commercial (GC) and Residential-type zoning districts. She mentioned that if
15 the Planning Commission maintains the corridor designation and eliminates the
16 TC-SR zoning district, staff would work with the property owners to make
17 certain that the zoning districts are applied in a manner that would ensure that the
18 development would not be nonconforming. She noted that in order to accomplish
19 this, multiple zoning districts would be very likely. She discussed the
20 background information in the Memorandum responding to questions involving
21 the history of the interim TC-SR zoning district, which she described as self-
22 explanatory. Pointing out that staff does recommend this corridor designation,
23 she mentioned that several alternatives have been provided. She discussed the
24 first alternative, which had been based on a recommendation by the Development
25 Services staff, providing that the property be designated Town Center-Multiple
26 Use, adding that the Town Center Comprehensive Plan designation would also be
27 applied and redevelopment would comply with those requirements. She
28 emphasized that any development done after that point in time would be subject
29 to those particular regulations. She discussed the other alternative, which
30 involves application of the corridor land use designation and retention of the TC-
31 SR zoning district within the Development Code, including a provision in the
32 Comprehensive Plan similar to that involving commercial properties currently
33 located in residentially designated areas. She referred to a footnote in the Matrix
34 3.15, indicating that expansion of these particular properties can not occur,
35 adding that the Map and Tax Lot numbers of the commercial properties are
36 actually cited and designated on a map.

37
38 Commissioner Heckman referred to Planning Commission Meeting Minutes of
39 April 1999, expressing his opinion that although they have installed a sign,
40 because of its size, he does not consider the Gramor property to be a Town
41 Center. He expressed concern with obtaining definite information indicating
42 when the properties south of Scholls Ferry Road and north of Barrows Road
43 would be developed.

1 Ms. Fryer advised Commissioner Heckman that she does not have any
2 information regarding potential development of the properties south of Sholls
3 Ferry Road and north of Barrows Road, adding that she has had no contact with
4 these property owners.

5

6 Commissioner Heckman observed that the TC-SR was an interim-only
7 designation, and requested clarification of what designation and zoning staff is
8 now recommending.

9

10 Ms. Fryer advised Commissioner Heckman that staff is recommending that the
11 land use designation would be corridor and the zoning districts would be a mix of
12 commercial zoning districts and one or two residential zoning districts, based
13 upon the existing use and configuration of the property. She added that it would
14 be necessary to work with the property owners to determine the appropriate
15 zoning districts to make certain that it is not nonconforming.

16

17 On question, Ms. Fryer advised Commissioner Heckman that she is not certain
18 whether the indicated residential component would be approximately one acre,
19 adding that he is correct in his assumption that this would involve an island of
20 zoning within another zoning district.

21

22 Commissioner Heckman questioned the possibility of this occurring without a
23 residential designation.

24

25 Ms. Fryer advised Commissioner Heckman that this could occur with the General
26 Commercial (GC) designation, although this would not likely involve the
27 preferred density.

28

29 Chairman Maks expressed concern with creating zones within zones, requesting
30 clarification of any negative effects of selecting Alternative No. 1.

31

32 In terms of the Town Center/Multiple Use, Ms. Fryer advised Chairman Maks
33 that if the Planning Commission adopts Alternative No. 1, she would recommend
34 also applying the Town Center Multiple Use to the property located between
35 Osprey Road and Teal Road, along Murray Boulevard. She mentioned that part
36 of the recommendation and part of the overall plan had been for this area to be
37 designated corridor as well, and recommended consideration of the LI property
38 owned by PGE for this designation. She discussed the necessity of creating a
39 cohesive block, so that that Town Center north of Scholls Ferry Road functions
40 independently of the Town Center south of Scholls Ferry Road. She emphasized
41 that pedestrians would not cross Murray Boulevard to get from one town center
42 to the other.

1 Commissioner Johansen referred to Alternative Option No. 1, specifically
2 whether the ability to compel a development more consistent with the Town
3 Center is lost.

4

5 Ms. Fryer advised Commissioner Johansen that if the Planning Commission
6 selects staff's preferred option, the ability to compel a development more
7 consistent with the Town Center would be lost.

8

9 Chairman Maks discussed the possibility of selecting Alternative Option No. 1,
10 expressing his opinion that Option No. 2 might be more consistent with the Town
11 Center idea.

12

13 Ms. Fryer questioned Chairman Maks whether he would also consider the
14 properties between Teal Road and Osprey Road for that same designation, under
15 either option.

16

17 Commissioner Barnard referred to potential development between Teal Road and
18 Osprey Road, referring to the time frame and requesting clarification of whether
19 Ms. Fryer intends to include that shopping center.

20

21 Chairman Maks clarified that Ms. Fryer wants the area to have the same land use
22 designation, adding that this basically eliminates Option No. 1.

23

24 Observing that he is more familiar with this product than many other individuals,
25 Commissioner Heckman pointed out that he anticipates the redevelopment of the
26 existing shopping center bounded by Osprey Road, Teal Road and Murray
27 Boulevard long before he anticipates anything on the south side of Scholls Ferry
28 Road.

29

30 On question, Ms. Fryer advised Commissioner Barnard that staff's
31 recommendation is still Corridor, adding that the properties along both Murray
32 Boulevard and Scholls Ferry Road are within two Metro designations. These
33 properties are both within the Town Center designation and the corridor
34 designation, and the current development pattern in that area, although it is an
35 improvement over a typical strip mall, is still, more or less, an upgraded strip
36 mall. She commented that this is more in character with a corridor-type
37 development, under the current General Commercial (GC) or Community Service
38 (CS) type zoning districts. She pointed out that in terms of individualized
39 buildings, this is not of the density nor integrated in the manner of a typical Town
40 Center, adding that for these reasons, the functioning is more that of a corridor.

41

42 Commissioner Lynott requested clarification of what an upscale strip mall is.

1 Ms. Fryer clarified that an upscale strip mall would include more pedestrian
2 connections, providing opportunities to walk from one development or type of
3 activity to another. She pointed out that this use provides more of an integration,
4 adding that it is larger in some ways and smaller in others, and includes housing,
5 which provides a different character, although it is not integrated into the
6 development itself.

7
8 Ms. Fryer discussed the third and final issue, which she described as the
9 residential agricultural zoning district. She observed that staff recommends the
10 elimination of this zoning district, noting that the area has no active agricultural
11 uses and is being used as large lots, rather than part of long-term goal of
12 maintaining overall Urban Growth Boundary. Staff recommends application of
13 the Neighborhood Residential Standard Density designation on the property,
14 which corresponds with the Urban Service Policies in the Comprehensive Plan,
15 which indicate that the entire planning area would be urbanized and that this is
16 necessary for orderly growth. She mentioned that staff had met with three of the
17 property owners, two who had been amenable to the R-7 designation and one
18 who is contemplating the R-5 designation. She noted that she intends to contact
19 these property owners again in January 2001 to determine their preferences when
20 she anticipates submitting an actual zoning amendment. She expressed her
21 opinion that these three property owners are in agreement with the proposal.

22
23 Chairman Maks expressed his appreciation of Ms. Fryer's efforts, commenting
24 that the property owners who had contacted him had been very appreciative,
25 observing that she had been very helpful and clear regarding this process.

26
27 Commissioner Heckman referred to the Development Code, specifically a section
28 that prohibits a use that involves maintaining a fowl on a property. He
29 questioned whether this is consistent with paragraph 2 of page 7 of the
30 Memorandum, which refers to "existing farm uses such as barns and chicken
31 coops...".

32
33 Ms. Fryer indicated that she had noticed reference to poultry in the Development
34 Code, and Commissioner Heckman observed that he is referring to livestock and
35 fowl, specifically whether it creates any problems regarding the paragraph he had
36 referred to in the Memorandum.

37
38 Ms. Fryer pointed out that the property owners had expressed concern with
39 existing uses such as barns and chicken coops, adding that she had noted that this
40 would become a nonconforming use.

41
42 Commissioner Heckman questioned whether this use is specifically prohibited
43 within the Development Code.

44
45 Ms. Fryer advised Commissioner Heckman that she believes that this would still
46 involve a nonconforming existing use, adding that while changing the zoning

1 district would change the allowed uses, this would not change the fact that these
2 individuals have that right today. She mentioned that if the structure were to
3 burn down, they would not likely be permitted to rebuild.
4

5 Mr. Bergsma advised Commissioner Heckman that this involves a use -- the
6 raising of fowl -- adding that as long as this activity is continued, the death of an
7 individual rooster would not force the property owner to discontinue this activity.
8

9 Observing that this is the continuation of an activity, Chairman Maks emphasized
10 that the property owner who owns two roosters would not be permitted to
11 purchase eight additional roosters.
12

13 Ms. Fryer commented that she had not included the Urban Planning Area
14 Agreement in any of the attachments to any of the Staff Reports, observing that
15 this document is incorporated into this Land Use Element. She indicated that
16 although it is not attached, it would be included.
17

18 Chairman Maks questioned whether Ms. Fryer intends to include the entire Urban
19 Planning Area Agreement into the Comprehensive Plan, suggesting that it could
20 be incorporated by reference.
21

22 Ms. Fryer advised Chairman Maks that although it is incorporated by reference,
23 the Urban Planning Area Agreement would be included in the document.
24

25 Ms. Fryer mentioned a communication received from *Stoel Rives*, observing that
26 some members of audience would be discussing this issue.
27

28 8:16 p.m. – 8:24 p.m. break
29

30 **PUBLIC TESTIMONY:**
31

32 **MATTHIAS KEMENY**, expressed his support of staff's recommended
33 alternative option regarding the Employment land use designation, as described
34 on page 3 of the Memorandum, and offered to respond to any questions or
35 comments.
36

37 Chairman Maks pointed out that Mr. Kemeny is in support of the alternative
38 option, rather than staff's preferred option of applying the Industrial designation.
39

40 **MATT GRADY**, representing *Gramor Development*, referred to a letter written
41 by Ty Wyman dated November 9, 2000, regarding maintaining the Town Center
42 designation. He described what he referred to as not quite an average strip mall,
43 pointing out that it includes office space on top of retail and creates an interesting
44 and well-designed environment. He emphasized that TC-SR provides the
45 opportunity to provide a development that can continue to conform, while not
46 precluding future development. He noted that the Planned Unit Development

1 (PUD) concerning this site contains very specific areas indicating that
2 redevelopment must be done at a certain floor area ratio (FAR). He introduced
3 Ty Wyman from *Stoel Rives*, observing that both Mr. Wyman and himself are
4 available to respond to any questions or comments.

5

6 Commissioner Heckman referred to the present Murray Hill Shopping Center,
7 requesting Mr. Grady's opinion of how this shopping center fits into the entire
8 scheme.

9

10 Mr. Grady expressed his opinion that the Murray Hill Shopping Center would
11 very likely be upgraded over time and possibly transformed into something
12 entirely different in twenty years.

13

14 Observing that Mr. Grady appears to be comfortable with Alternative No. 2,
15 Commissioner Heckman questioned whether he would recommend any revisions.

16

17 Mr. Grady advised Commissioner Heckman that he had no recommendations for
18 any revisions to Alternative No. 2.

19

20 On question, **TY WYMAN**, representing *Stoel Rives*, indicated that he had no
21 recommendations for revisions to Alternative No. 2 and mentioned concerns with
22 potential notification problems if the Town Center designation is applied to the
23 Gramor property.

24

25 Commissioner Heckman mentioned that there has been no discussion involving
26 the Expedited Comprehensive Plan Amendment, which he described as the
27 regional application responsible for these proceedings.

28

29 On question, Mr. Grady advised Chairman Maks that *Gramor Development*
30 favors Alternative No. 2.

31

32 Ms. Fryer suggested that the Planning Commissioners might consider altering
33 Alternative Option No. 2 to include the properties that are currently zoned Town
34 Center/Multiple Use located north of the property. She added that staff should
35 include the specific tax lots for all of these properties and a map designating these
36 properties within the land use order.

37

38 Chairman Maks referred to the PGE property.

39

40 Ms. Fryer advised Chairman Maks that the property is currently a substation,
41 adding that she is not certain whether it would be appropriate within the TC-SR
42 designation. She noted that an office-type building would have the potential to
43 redevelop, eventually, adding that it would provide a benefit to the property
44 owners as well as some additional cohesion in terms of an overall Town Center.

45

1 Commissioner Heckman observed that this involves approximately 1-1/2 acres,
2 questioning the size of the substation.

3
4 Ms. Fryer advised Commissioner Heckman that Mr. Grady has indicated that the
5 substation involves four acres of land.

6
7 Chairman Maks expressed concern with the potential time frame mentioned by
8 Mr. Grady for the development of the property, adding that he could anticipate
9 the possibility of additional structures creating a reduction in parking in an effort
10 to maximize the use of the land. He expressed his opinion that the existing
11 parking lot is massive, adding that he has never seen it fully utilized.

12
13 Ms. Fryer advised Chairman Maks that staff would want to include the property
14 that is the actual office building as opposed to the substation, while maintaining
15 the corridor designation on the substation and applying an appropriate zoning
16 district at some future time when the zoning amendments are submitted.

17
18 Mr. Bergsma expressed concern with the scope of the most recent Ballot Measure
19 56 notification. He clarified that this notification had informed the property
20 owners of a proposal to change their designation to Corridor, adding that they had
21 not been informed that a Town Center designation was a possibility.

22
23 Chairman Maks pointed out that this could require another Measure 56 Notice.

24
25 Mr. Bergsma advised Chairman Maks that another Measure 56 Notice would be
26 necessary if the property were designated Town Center, rather than Corridor.

27
28 Ms. Fryer noted that the notice that had been sent to the properties to the north
29 specifically said that the City would apply the Corridor designation, but did not
30 include TC-SR as one of the zoning district options. She recommended that if
31 the TC-SR option opportunity is provided, this option should be included as a
32 recommendation.

33
34 The public portion of the Public Hearing was closed.

35
36 Chairman Maks requested consensus on Issue No. 1 -- Industrial versus
37 Employment Land Use Designation concerning the property off of Western
38 Avenue near Arctic Avenue and 5th Street.

39
40 Commissioners Heckman, Voytilla, Johansen, Barnard, Lynott and Dunham and
41 Chairman Maks all concurred with the Alternative Option for Issue No. 1, as
42 requested by Mr. Kemeny, applying the Employment designation.

43
44 On question, all Commissioners concurred with the staff recommendation for
45 Issue No. 3 -- Residential Agriculture.

46

Commissioner Maks requested consensus on Issue No. 2, observing that he would like this area to more closely resemble a Town Center. Observing that it is too early at this time to deal with Option No. 1, which would, in his opinion, fulfill density requirements and financial needs, he expressed his support of Option No. 2, with the addition of the properties suggested by Ms. Fryer.

Commissioners Heckman, Johansen, Voytilla, Lynott, Dunham and Barnard expressed support of Option No. 2, with the addition of the properties mentioned by Ms. Fryer.

Commissioner Heckman **MOVED** and Commissioner Barnard **SECONDED** a motion to approve CPA 99-00025 -- Comprehensive Plan Land Use Element, based upon the testimony, reports and exhibits presented during the Public Hearings on the matter and upon the background facts, findings and conclusions found in the Staff Reports dated January 19, 2000, March 15, 2000, April 12, 2000, August 2, 2000, August 30, 2000, September 20, October 18, 2000, November 15, 2000, and November 29, 2000, based upon this Public Hearing, with the following amendments: 1) Staff Memorandum dated November 22, 2000, page 6, Alternative Option No. 2, to provide specific definitions indicating which specific tax lots are included; and 2) Land Use Order to include, under Alternative Option No. 1, to indicate which specific tax lots are included (addition of properties mentioned by Ms. Fryer).

Motion **CARRIED**, unanimously.

NEW BUSINESS:

PUBLIC HEARINGS:

A. TA2000-0010 – REZONE PROCEDURE TEXT AMENDMENT

Amendment of Section 40.90.15.2.A. of the Development Code to establish public notification procedure for Quasi-Judicial Amendments to the Zoning Map. The proposed amendment will establish a procedure outlining the timing of public notice and the method for delivery of the public notice to property owner(s) affected by a proposed quasi-judicial zone change.

Ms. Fryer, representing Senior Planner Steve Sparks, presented the modified proposal, and described the added text which had been inadvertently omitted from the previous version, requiring that posted notice on the parcel be apparent twenty days in advance of the Public Hearing, making it consistent with current quasi-judicial application procedures.

Commissioner Barnard requested clarification of what is considered sufficient size for a posted notice.

Ms. Fryer advised Commissioner Barnard that current requirements provide that applicants pick up signs from the City, clarifying that these include 18-inch by 24-inch City-issued signs, as required in the Facilities Review notes and in the Affidavit of Posting.

PUBLIC TESTIMONY:

On question, no one from the public appeared to testify at this time.

The public portion of the Public Hearing was closed.

On question, all Planning Commissioners expressed support of this application.

Commissioner Lynott **MOVED** and Commissioner Heckman **SECONDED** a motion to approve TA 2000-0010 -- Rezone Procedure Text Amendment, based upon the testimony, reports and exhibits presented during the Public Hearing on the matter and upon the background facts, findings and conclusions found in the Staff Report dated November 22, 2000, and text submitted this evening, dated November 29, 2000, and based upon this Public Hearing.

Motion **CARRIED**, unanimously.

8:58 p.m. -- Mr. Bergsma left.

APPROVAL OF MINUTES:

Minutes of the meeting of October 18, 2000, submitted. Commissioner Heckman referred to line 27, page 5, and requested that it be amended, as follows: "On question, Commissioners Heckman, Voytilla, ~~Johansen~~ **Dunham** and Johansen all indicated..." Commissioner Voytilla **MOVED** and Commissioner Lynott **SECONDED** a motion that the minutes be approved as written and amended.

Motion **CARRIED**, unanimously, with the exception of Commissioner Barnard, who abstained from voting on this issue.

Minutes of the meeting of October 25, 2000, submitted. Commissioner Voytilla referred to lines 27 through 30, requesting that it be amended, as follows: "~~Mr. Lynch advised Commissioner Voytilla that a partially completed office building currently exists within the City of Beaverton that might become available, adding that because funding is an issue, this has not been pursued.~~ Pointing out that he is not actually familiar with the market, ~~he~~ **Mr Lynch** noted that..." Commissioner Voytilla **MOVED** and Commissioner Lynott **SECONDED** a motion that the minutes be approved as written and amended.

Motion **CARRIED**, unanimously, with the exception of Commissioners Heckman and Johansen, who abstained from voting on this issue.

1 **MISCELLANEOUS BUSINESS:**

2
3 Chairman Maks observed that the Planning Commissioner's annual lunch for staff
4 has been scheduled for 11:30 a.m. Wednesday, December 20, 2000, in the 3rd
5 floor conference room, adding that Commissioner Barnard has indicated that he
6 could provide for delivery.

7
8 Observing that the agenda for December 6, 2000 is huge and that all items involve
9 the 120-day requirement, Chairman Maks requested that all Planning
10 Commissioners have all questions for these quasi-judicial applications prepared in
11 written form prior to the meeting.

12
13 Pointing out that the Planning Commission has no meetings scheduled for
14 December 20, 2000, and December 27, 2000, Chairman Maks emphasized that
15 everyone be prepared for the quasi-judicial issues, which must be resolved within
16 120 days.

17
18 The meeting adjourned at 9:07 p.m.